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SAKEENAH McCULLOUGH and
DANIEL GUNTHER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAKEENAH MCCULLOUGH and DANIEL
GUNTHER

Plaintiffs,

v.

XEROX CORPORATION, a corporation, and
DOES One through Thirty-five, inclusive,

Defendants.

Case No.: 4:13-cv-04596 JSW

**STIPULATION AND ~~[PROPOSED]~~ ORDER
CONTINUING THE PARTIES' DEADLINE
TO COMPLETE MEDIATION AND FACT
DISCOVERY**

Complaint filed: June 27, 2013
First Amended Complaint filed: July 26, 2013

1 Plaintiffs SAKEENAH MCCULLOUGH and DANIEL GUNTHER ("Plaintiffs")
 2 and Defendant XEROX CORPORATION ("Defendant"), by and through their respective
 3 undersigned attorneys, hereby stipulate and agree to participate in private mediation in lieu
 4 of the previously ordered court sponsored mediation and also hereby agree to continue the
 5 deadline for the parties to complete mediation in this matter from August 19, 2014 to
 6 September 19, 2014, as set forth below. The parties also hereby stipulate and agree to
 7 extend the deadline for factual discovery from November 21, 2014 to December 19, 2014.

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 9 WHEREAS, on October 4, 2013 Defendant removed this matter to this Court
 10 from the San Francisco Superior Court based on Diversity Jurisdiction;

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 12 WHEREAS, on January 17, 2014, the parties appeared before the Court for an
 13 Initial Case Management Conference;

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 15 WHEREAS, on March 7, 2014, the Court appointed Fred D. Butler as Mediator
 16 in this matter;

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 18 WHEREAS, on March 24, 2014, the Court extended the deadline for the
 19 parties to complete the mediation of this matter until August 19, 2014;

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 21 WHEREAS the parties originally scheduled the depositions of Plaintiff
 22 Sakeenah McCullough and Daniel Gunther for late June, 2014;

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 24 WHEREAS due to an unexpected death in the family in the in-house legal
 25 department of Defendant Xerox the parties agreed to postpone the depositions;

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WHEREAS due to scheduling conflicts between counsel, the parties were unable to schedule the depositions until August 19 and 21 (Daniel Gunther) and August 22 and 29 (Sakeenah McCullough);

WHEREAS, the parties agree that mediation of this matter would not be meaningful without the depositions of the plaintiffs;

WHEREAS, the parties have conferred and have agreed, in place of a half day of court sponsored mediation with Fred Butler, to engage a private mediator, Susan Haldeman, for a full day of mediation on September 16, 2014, for which the parties have agreed to split the cost equally;

WHEREAS, a trial date has not yet been set, and dispositive motions are calendared to be heard on April 17, 2015;

WHEREAS, given the delay in the initial depositions, the parties need an additional month to complete factual discovery;

NOW, THEREFORE,

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs and Defendant, by and through their respective undersigned attorneys of record, to continue the following dates of the Court's Civil Minute Order and subsequent order regarding mediation:

<u>Description</u>	<u>Current Date</u>	<u>Proposed Date</u>
Last Day to complete mediation (formerly through Court sponsored program, now through private mediation)	August 19, 2014	September 19, 2014
Close of Fact Discovery	November 21, 2014	December 19, 2014

1 Good cause exists for this continuance of the existing date of the Court's
2 Order for the parties to complete meaningful mediation in this matter, as set forth above.

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4 **IT IS SO STIPULATED.**

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7 Dated: June 26, 2014

BOHBOT & RILES, LLP

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10 By: /s/ Elizabeth Riles
11 Elizabeth L. Riles
12 Attorneys for Plaintiffs
13 SAKEENAH McCULLOUGH and DANIEL
GUNTHER

14 Dated: June 26, 2014

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16
17 By: /s/ Adam Tullman
18 Michele Miller
19 Adam Tullman
20 Attorneys for Defendant
21 XEROX CORPORATION
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[PROPOSED] ORDER

Having reviewed the Stipulation executed by Plaintiffs SAKEENAH MCCULLOUGH and DANIEL GUNTHER and Defendant XEROX CORPORATION, and good cause appearing, the Court hereby orders that:

- The parties are ordered to complete private mediation, pursuant to their agreement, and in lieu of participating in court sponsored mediation with Fred Butler.
- The deadline for the parties to complete the mediation of this matter through private mediation is hereby continued until September 19, 2014.
- The close of fact discovery is continued until December 19, 2014.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: June 27, 2014


Hon. Jeffrey S. White
District Judge

4814-1832-2971, v. 1